

274
HB 235

BUSINESS & LABOR
EXHIBIT NO. 6
DATE 3-13-13
BILL NO. HB 274

The statutory responsibilities of Board of Outfitters include **protecting the Public Health, Safety and Welfare**. HB 235 proposes to remove many significant outfitter qualifications from statute. Outfitters claim they are already found in the rules but I am unable to find most of them. As I understand it, both statutes and rules have the force of law so you to wonder why the push to eliminate statutes. Since I am the curious type, I contacted The Bureau of Labor and Industry and received the statistics on all 36 boards they regulate for 3 years; 2008, 2009 and 2010. These figures show outfitters have a complaint rate between 3 and 4 times higher than the average of all 36 boards combined.

I then looked at minutes of Board of Outfitters meetings to learn more about the industry. I have attached a portion of the minutes from a board meeting for you to consider. I blacked out the names of guides and outfitters but not the license they were applying for. Further reducing requirements and reporting will further reduce the professionalism of the outfitting industry and do nothing to protect public health, safety and welfare.

After hearing the complaints about excess and duplicate paperwork, I went to the Board of Outfitters three times trying to find information. It was quite frustrating because of the cumbersome system and very time consuming for both the Board of Outfitter's helpful staff and for me. As a result, I fully support any efforts to update reporting. Online reporting in a searchable format would provide a significant cost and time savings for both outfitters and the Board, significantly reducing costs. However I cannot find anything in this bill which addresses this issue.

As a sportsman, I find the lack of transparency in the process to vet this bill disturbing. It would be difficult to reach out to the many sportsmen's groups but common courtesy would suggest involving the trustee of our public wildlife in the discussion. Outfitters claimed they consulted with FWP about these changes. I have spoken with FWP employees in Law Enforcement, Wildlife and management who are not aware of any consultation before the bill was introduced. FWP as the Trustee of our wildlife should certainly have been invited to the table before the bill was introduced rather than relegated to trying to amend a bill after the fact.

I have attached copies of the annual reports outfitters have to file. First the **Client report log** which is 1 page for each 5 clients. Very simple information, it even comes with an instruction page.

They also have to file a **statistics sheet** summarizing what both non-resident and resident clients hunted and how many they harvested, another 1 ½ pages total. A digital reporting system should eliminate this sheet as it would be a simple thing to search the spreadsheet for the totals.

Next, the L-1 land form is filled out for each landowner, either public or private, they operate on and identifies the lands they lease or are authorized to outfit on and the location of their camp(s). The landowner has to sign this document. This bill would eliminate the statute requiring written approval of the agency or landowner.

The leased land map they propose to eliminate is an extremely useful tool for public hunters and for FWP to manage hunters and well worth the \$2 cost. The map clearly shows areas where public access is limited allowing FWP to direct hunters towards areas with adequate access thus eliminating much frustration. It can also inform public access programs to try and find properties in areas where leasing dominates. Any new public access helps get at least a few folks into main street businesses where economies are impacted by the extensive leasing. As a Montana resident, I find this map extremely useful to find areas to avoid as well.

Outfitters have a commercial use of a public trust resource so it shouldn't be too much of a burden to expect at least a minimal level of reporting back to the public. The logger who buys a timber sale on state land has far more extensive reporting and supervision.

I would encourage the outfitting industry to drop this end run around the public interest and engage all parties before the next session to find realistic solutions to their problems: solutions which also protect their customers and Montana resident sportsmen. Please table this bill and encourage all parties to find a reasonable solution.

Sam Milodragovich

Sportsman Butte, Montana

3.75 X AVERAGE # OF COMPLAINTS

FY 08

FY 08																
	Summary of Activities				Revenues and Expenditures		Statistics			Summary of Complaints					Other	
	# inspections	# audits	# exams	revenues	Expenditures	licenses	# new	# renew	# complaints	# revoked	# suspended	# dismissed	# other sanctions	Investigations	# on-line renewals	# on-line applications
BOARD/Program																
Alternative health care	0	15	40	\$56,888	\$59,354	102	10	93	9	0	0	3	1	2	83	0
Architects	0	0	137	\$136,941	\$100,538	1540	124	1150	5	0	0	9	1	6	0	0
Athletic program	0	0	0	\$94,752	\$41,407	676	5	0	0	0	0	0	0	0	0	0
Athletic trainers	0	0	0	\$0	\$5,410	0	0	0	0	0	0	0	0	0	0	0
Barbers & Cosmetologists	3954	15	454	\$421,467	\$507,676	11387	1167	6363	337	1	0	156	120	20	4381	0
Chiropractors	0	36	27	\$106,325	\$78,239	515	23	494	17	0	0	17	2	8	410	0
Clinical Lab/Science practitioners	633	86	0	\$61,428	\$59,828	919	75	882	2	2	0	9	0	0	792	0
Dentistry	6	74	144	\$202,173	\$206,447	1404	96	1356	43	1	0	36	1	9	1230	0
Electrical	349	431	392	\$258,013	\$329,305	5739	558	1837	88	0	2	30	52	28	0	0
Engineers & Land Surveyors	0	83	769	\$474,821	\$269,888	12324	952	4731	34	0	0	14	9	7	0	0
Funeral	119	154	15	\$87,294	\$88,400	434	30	376	8	0	0	11	2	17	276	0
Hearing Aid Dispensers	10	25	18	\$40,098	\$56,449	96	14	82	11	1	0	18	16	12	56	0
Landscape Architects	0	0	0	\$29,776	\$12,628	0	0	0	0	0	0	0	0	0	73	0
Licensed Addiction Counselors	0	43	47	\$51,859	\$57,379	599	51	263	8	1	0	4	0	4	184	0
Medical	0	549	37	\$1,442,513	\$950,646	9183	828	6413	162	5	4	132	11	30	7969	0
Nursing	0	73	647	\$348,273	\$912,843	18263	1653	39	174	1	19	114	39	41	0	0
Nursing Home Administrators	0	45	65	\$47,627	\$45,783	226	24	202	6	0	0	5	1	6	165	0
Occupational Therapy	0	34	10	\$50,884	\$36,496	392	40	341	0	1	0	0	0	0	310	0
Optometry	0	0	7	\$27,748	\$40,050	258	11	239	4	0	0	5	0	1	220	0
Outfitters	295	0	83	\$524,366	\$621,539	1664	34	710	100	5	0	65	100	18	0	0
Pharmacy	254	0	204	\$694,828	\$591,994	4332	635	3369	102	3	3	59	23	6	2846	0
Physical Therapy	0	23	139	\$90,239	\$59,988	1083	93	1043	20	0	0	18	0	0	975	0
Plumbers	249	481	151	\$298,118	\$267,860	1759	161	1288	98	2	0	41	33	25	202	0
Private Adolescent Treatment Facilities	0	0	0	\$23,627	\$47,331	7	0	0	0	0	0	0	0	0	0	0
Private Security	0	0	59	\$152,049	\$185,581	1824	680	1301	22	0	0	8	9	6	936	0
Psychologists	0	59	1	\$100,513	\$89,148	234	8	227	5	0	0	8	0	3	193	0
Public Accountants	0	93	354	\$326,040	\$326,149	4355	252	3375	20	1	0	19	8	3	2820	0
Radiologic Techs	922	110	380	\$86,622	\$84,206	1397	179	1293	2	0	1	3	0	2	1181	0
Real Estate Appraisers	0	19	0	\$232,433	\$266,218	488	140	455	44	1	0	18	13	24	380	0
Realty	0	50	17	\$873,654	\$718,382	6770	818	6524	81	1	0	109	99	20	5453	0
Respiratory Care	0	46	20	\$47,209	\$30,861	620	62	495	1	0	0	2	0	3	447	0
Sanitarians	0	0	6	\$20,167	\$22,324	196	16	125	2	0	0	2	0	1	132	0
Social Workers/counselors	0	203	83	\$159,556	\$190,903	1554	88	1342	40	0	0	26	20	24	1108	0
Speech & Audiologists	0	37	31	\$48,909	\$47,955	598	173	369	1	0	0	2	0	1	328	0
Veterinary	7	21	45	\$87,741	\$88,489	1069	51	1025	24	0	0	16	7	5	854	0
TOTALS	6798	2805	4382	7,704,955	7,497,694	92007	9051	47802	1470	26	29	959	567	332	34004	0

3.24 X average # of complaints

BOARD/Program	FY 09										Summary of Complaints					Other	
	Summary of Activities					Revenues and Expenditures					Statistics					# on-line renewals	# on-line applications
	# inspections	# audits	# exams	revenues	expenditures	# licenses	# new	# renew	# complaints	# revoked	# suspended	# dismissed	# other sanctions	Investigations			
Alternative health care	0	18	35	\$65,874	\$57,002	118	14	100	12	1	0	8	0			5	91
Architects	0	0	155	\$54,037	\$74,952	1463	109	224	28	0	0	17	4			6	1033
Athletic program	0	0	0	\$20,957	\$20,027	275	244	0	0	0	0	0	0			0	0
Athletic trainers	0	0	4	\$74,570	\$20,653	93	93	0	0	0	0	0	0			0	0
Barbers & Cosmetologists	2213	4	443	\$387,447	\$470,044	11638	988	5466	238	0	0	185	113			12	4443
Chiropractors	0	36	26	\$103,960	\$76,914	508	15	488	18	0	0	12	1			10	424
Clinical Lab/Science practitioners	646	83	1	\$60,050	\$57,219	907	67	879	0	0	0	1	0			0	797
Dentistry	6	22	172	\$200,507	\$220,301	1481	112	1435	52	0	0	48	3			9	1355
Electrical	509	0	311	\$275,048	\$358,334	5515	795	1704	114	8	0	62	47			26	565
Engineers & Land Surveyors	0	0	747	\$213,827	\$245,174	12615	744	1230	87	0	0	61	10			7	3980
Funeral	113	157	17	\$89,985	\$91,979	432	26	366	7	0	0	2	1			18	234
Hearing Aid Dispensers	7	23	26	\$39,793	\$38,297	100	11	76	4	0	0	3	0			13	78
Landscape Architects	0	0	0	\$24,205	\$23,224	0	0	0	0	0	0	0	0			7	82
Licensed Addiction Counselors	0	46	32	\$95,399	\$63,612	630	49	478	11	0	0	6	3			5	209
Medical	0	490	31	\$1,029,272	\$919,901	9472	863	3930	143	5	1	123	16			38	3800
Nursing	0	0	677	\$1,286,431	\$909,146	18211	1934	16205	227	2	6	156	45			56	14416
Nursing Home Administrators	0	44	50	\$41,634	\$49,842	227	22	202	8	0	0	5	0			6	169
Occupational Therapy	0	40	5	\$49,227	\$26,746	398	32	328	3	0	0	3	0			0	323
Optometry	0	49	9	\$34,240	\$34,516	265	12	226	2	0	0	0	1			1	229
Outfitters	382	0	75	\$644,331	\$619,523	1597	1847	718	91	1	0	49	62			6	0
Pharmacy	326	574	218	\$912,422	\$615,945	4570	775	3491	90	0	0	61	31			17	3042
Physical Therapy	0	29	119	\$88,922	\$71,415	1112	93	1005	7	0	1	12	0			0	991
Plumbers	472	614	144	\$272,578	\$292,819	1699	157	1278	61	0	0	23	35			33	211
Private Adolescent Treatment Facilities	0	0	0	\$58,365	\$59,009	2	4	0	5	0	0	0	0			0	0
Private Security	0	0	51	\$156,456	\$205,630	1762	528	1320	34	0	0	16	14			0	1183
Psychologists	0	26	8	\$94,772	\$79,016	232	6	227	7	0	0	8	0			3	195
Public Accountants	0	95	352	\$318,246	\$337,442	4335	214	3340	44	0	0	28	6			3	2887
Radiologic Techs	980	131	375	\$79,572	\$85,483	1391	142	1238	8	0	0	7	2			2	1188
Real Estate Appraisers	0	30	0	\$216,335	\$253,249	471	110	441	23	0	0	15	8			7	391
Realty	0	35	1	\$801,350	\$775,187	6460	434	5879	155	1	0	94	35			17	5263
Respiratory Care	0	48	29	\$48,466	\$28,942	542	65	484	5	0	0	2	0			3	474
Sanitarians	0	19	11	\$34,873	\$35,857	195	20	128	1	0	0	0	0			1	130
Social Workers/counselors	0	157	115	\$159,469	\$213,402	1651	112	1283	42	0	0	28	15			26	1198
Speech & Audiologists	0	38	50	\$50,778	\$42,514	586	176	389	0	0	0	0	0			1	358
Veterinary	7	1	53	\$85,158	\$95,558	1079	50	1036	22	0	0	19	2			4	862
TOTALS	5661	2809	4342	8,168,556	7,468,874	92032	10863	55594	1549	18	8	1054	454			342	50601

3.29 X average # of complaints

FY 09																				
Summary of Activities					Revenues and Expenditures				Statistics				Summary of Complaints						Other	
BOARD/Program	# Inspections	# audits	# exams	#	revenues	Expenditures	# licenses	# new	# renew	#	# complaints	# revoked	# suspended	# dismissed	# other sanctions	Investigations	# on-line renewals	# on-line applications		
Alternative health care	0	18	35	35	\$65,874	\$57,002	118	14	100	12	1	0	0	8	0	5	91	0		
Architects	0	0	155	155	\$54,037	\$74,952	1463	109	224	28	0	0	0	17	4	6	1033	0		
Athletic program	0	0	0	0	\$20,957	\$20,027	275	244	0	0	0	0	0	0	0	0	0	0		
Athletic trainers	0	0	4	4	\$74,570	\$20,653	93	93	0	0	0	0	0	0	0	0	0	0		
Barbers & Cosmetologists	2213	4	443	443	\$387,447	\$470,044	11638	988	5466	238	0	0	0	185	113	12	4443	0		
Chiropractors	0	36	26	26	\$103,960	\$76,914	508	15	488	18	0	0	0	12	1	10	424	0		
Clinical Lab/Science practitioners	646	83	1	1	\$60,050	\$57,219	907	67	879	0	0	0	0	1	0	0	797	0		
Dentistry	6	22	172	172	\$200,507	\$220,301	1481	112	1435	52	0	0	0	48	3	9	1355	0		
Electrical	509	0	311	311	\$275,048	\$358,334	5515	795	1704	114	8	0	0	62	47	26	565	0		
Engineers & Land Surveyors	0	0	747	747	\$213,827	\$245,174	12615	744	1230	87	0	0	0	61	10	7	3980	0		
Funeral	113	157	17	17	\$89,985	\$91,979	432	26	366	7	0	0	0	2	1	18	234	0		
Hearing Aid Dispensers	7	23	26	26	\$39,793	\$38,297	100	11	76	4	0	0	0	3	0	13	78	0		
Landscape Architects	0	0	0	0	\$24,205	\$23,224	0	0	0	0	0	0	0	0	0	7	82	0		
Licensed Addiction Counselors	0	46	32	32	\$95,399	\$63,612	630	49	478	11	0	0	0	6	3	5	209	0		
Medical	0	490	31	31	\$1,029,272	\$919,901	9472	863	3930	143	5	0	1	123	16	38	3800	0		
Nursing	0	0	677	677	\$1,286,431	\$909,146	18211	1934	16205	227	2	0	6	156	45	56	14416	0		
Nursing Home Administrators	0	44	50	50	\$41,634	\$49,842	227	22	202	8	0	0	0	5	0	6	169	0		
Occupational Therapy	0	40	5	5	\$49,227	\$26,746	398	32	328	3	0	0	0	3	0	0	323	0		
Optometry	0	49	9	9	\$34,240	\$34,516	265	12	226	2	0	0	0	0	1	1	229	0		
Outfitters	382	0	75	75	\$644,331	\$619,523	1597	1847	718	91	1	0	0	49	62	6	0	0		
Pharmacy	326	574	218	218	\$912,422	\$615,945	4570	775	3491	90	0	0	0	61	31	17	3042	0		
Physical Therapy	0	29	119	119	\$88,922	\$71,415	1112	93	1005	7	0	0	1	12	0	0	991	0		
Plumbers	472	614	144	144	\$272,578	\$292,819	1699	157	1278	61	0	0	0	23	35	33	211	0		
Private Adolescent Treatment Facilities	0	0	0	0	\$58,365	\$59,009	2	4	0	5	0	0	0	0	0	0	0	0		
Private Security	0	0	51	51	\$156,456	\$205,630	1762	528	1320	34	0	0	0	16	14	0	1183	0		
Psychologists	0	26	8	8	\$94,772	\$79,016	232	6	227	7	0	0	0	8	0	3	195	0		
Public Accountants	0	95	352	352	\$318,246	\$337,442	4335	214	3340	44	0	0	0	28	6	3	2887	0		
Radiologic Techs	980	131	375	375	\$79,572	\$85,483	1391	142	1238	8	0	0	0	7	2	2	1188	0		
Real Estate Appraisers	0	30	0	0	\$216,395	\$253,249	471	110	441	23	0	0	0	15	8	7	391	0		
Realty	0	35	1	1	\$801,350	\$775,187	6460	434	5879	155	1	0	0	94	35	17	5263	0		
Respiratory Care	0	48	29	29	\$48,466	\$28,942	542	65	484	5	0	0	0	2	0	3	474	0		
Sanitarians	0	19	11	11	\$34,873	\$35,857	195	20	128	1	0	0	0	0	0	1	130	0		
Social Workers/counselors	0	157	115	115	\$159,469	\$213,402	1651	112	1283	42	0	0	0	28	15	26	1198	0		
Speech & Audiologists	0	38	50	50	\$50,778	\$42,514	586	176	389	0	0	0	0	0	0	1	358	0		
Veterinary	7	1	53	53	\$85,158	\$95,558	1079	50	1036	22	0	0	0	19	2	4	862	0		
TOTALS	5661	2809	4342	4342	8,168,556	7,468,874	92032	10863	55594	1549	18	8	1054	454	342	50601	0	0		

67

798

4.1x average # of complaints

FY 10	Summary of Activities			Revenues and Expenditures		Statistics		Summary of Complaints						
	Inspections	Audits	Exams	Revenues	Expenditures	Licenses	New	Renew	Complaints	Revoked	Suspended	Dismissed	Other sanctions	Investigations
BOARD/Program														
Alternative Health Care	0	15	40	\$66,310	\$63,554	121	9	13	10	0	0	11	2	4
Architects	0	0	137	\$91,295	\$95,887	1,465	98	1,236	50	0	0	34	8	9
Athletic Program	0	0	0	\$45	\$0	271	na	na	na	0	0	0	0	0
Athletic Trainers	0	0	0	\$10,370	\$11,137	117	24	na	0	0	0	0	0	0
Barbers & Cosmetologists	1,110	15	454	\$478,882	\$621,927	11,741	910	6,325	243	2	0	187	37	14
Chiropractors	0	36	27	\$104,215	\$97,000	511	36	474	19	0	0	20	1	12
Clinical Lab/Science practitioners	714	86	0	\$60,520	\$59,128	928	73	903	6	0	0	0	4	0
Dentistry	4	74	144	\$213,234	\$233,565	1,514	85	1,468	38	0	0	27	4	11
Electrical	598	431	392	\$199,444	\$358,771	5,761	606	1,682	85	1	1	29	31	32
Engineers & Land Surveyors	0	83	769	\$286,788	\$385,762	13,009	491	5,419	64	1	0	59	19	10
Funeral	97	154	15	\$89,128	\$93,713	432	24	382	13	0	0	9	0	18
Hearing Aid Dispensers	0	25	18	\$63,635	\$44,231	111	15	83	13	0	0	7	0	13
Landscape Architects	0	0	0	\$30,159	\$31,225	103	5	86	0	0	0	0	0	0
Licensed Addiction Counselors	0	43	47	\$99,192	\$71,803	635	46	464	9	0	0	4	4	4
Massage	0	0	0	\$98,218	\$62,930	0	0	0	0	0	0	0	0	0
Medical	0	549	37	\$1,133,609	\$1,091,830	9,794	947	4,402	195	1	1	152	12	35
Nursing	0	73	647	\$1,193,336	\$891,703	19,940	1,676	19	191	4	25	106	22	60
Nursing Home Administrators	0	45	65	\$57,408	\$47,032	218	18	205	3	0	0	9	0	3
Occupational Therapy	0	34	10	\$50,084	\$33,818	263	9	234	1	0	0	0	0	0
Optometry	0	0	7	\$15,887	\$27,650	402	31	370	4	0	0	3	0	1
Outfitters	349	0	83	\$648,412	\$658,896	1,671	7	7	131	0	0	60	26	10
Pharmacy	366	0	204	\$980,279	\$650,572	4,793	720	3,761	139	1	0	117	23	25
Physical Therapy	0	23	139	\$94,891	\$93,573	1,158	100	1,035	15	0	0	10	0	2
Plumbers	390	481	151	\$261,919	\$285,016	1,646	169	936	194	2	0	128	52	34
Private Adolescent Treatment Facilities	0	0	0	\$123,011	\$85,238	4	1	2	23	0	0	12	0	2
Private Security	0	0	59	\$135,868	\$242,977	1,687	339	1,377	33	1	0	14	10	10
Psychologists	0	59	1	\$94,923	\$78,761	229	5	227	3	0	0	2	2	4
Public Accountants	0	93	354	\$290,650	\$368,382	4,267	123	3,149	70	5	0	48	9	2
Radiologic Techs	1,061	110	380	\$81,185	\$92,432	1,418	144	1,205	3	0	0	3	0	2
Real Estate Appraisers	0	19	0	\$260,120	\$223,671	445	109	422	54	3	0	30	8	4
Realty	0	50	17	\$706,339	\$802,388	5,939	348	5,734	111	17	0	116	19	26
Respiratory Care	0	46	20	\$47,042	\$32,600	544	43	518	2	0	0	5	0	3
Sanitarians	0	0	6	\$33,854	\$24,830	185	157	11	0	0	0	1	0	1
Social Workers/Counselors	0	203	83	\$181,893	\$191,295	1,664	160	1,349	25	2	0	23	10	21
Speech & Audiologists	0	37	31	\$53,343	\$47,236	625	169	411	1	0	0	1	0	1
Veterinary	8	21	45	\$83,343	\$99,017	1,094	46	1,067	16	0	0	21	0	4
TOTALS	6,798	2,805	4,382	\$8,418,831	\$8,299,580	92,007	9,051	47,802	1,764	40	27	1,248	303	377

7.3%

1.4%

follow-up with a report afterward. Board Chairman communicated the importance of having current insurance.

Public land use permits designated to individuals other than the licensed outfitter

Mrs. Phippen inquired as to what the Board's position is on outfitters who use permits that are in the name of another entity. For instance, an outfitter applicant who is working for a lodge and the permit is in the name of the lodge. Board Counsel Tyler Moss advised that there does not appear to be an issue as long as the Forest Service has authorized it.

Outfitter renewal project and client log reviews

As part of the reorganization, several renewal projects have been identified as basic pilot projects. There was assistance from business standards division employees in processing outfitter renewals we identified a couple of training issues that have been resolved and have approximately two more weeks before completion.

BUDGET/FINANCIAL

Budget Update

Discussion under DLI/BSD Administrator Update

Continued discussion on fee proposals (increase to licensing fees and implementation of fees for boat stickers, operation plan applications and amendments, land use forms, 12-month plan of supervision applications, successor requests, experience waiver requests, school curriculum approval, advanced outfitter/guide class fee and statistical reports)

This is a recurring agenda item. No discussion.

NON-ROUTINE LICENSE APPLICATIONS

Christopher Lawson (outfitter license applicant)

Mr. Lawson was present (by phone) during the deliberations. Mr. Lawson has applied for a new outfitter license. On his application he affirmed "yes" to the disciplinary question: "Have you been convicted of or forfeited bond on any violation of the fish and game laws or applicable regulations of any state or the United States?" In addition to the above disciplinary the applicant appears to be short 27 days of guiding experience in which to have enough to be accepted to take the written examination Mr. Lawson provided the following information:

9/4/2007 - Judgment of Conviction in the 2nd Judicial District Court, State of Idaho - Trespass on cultivated lands in violation of warning signs (trespass) - \$200 fine and prohibited from hunting in Idaho County until 9/1/2007
One reference attesting to experience obtained as an assistant in teaching various fly fishing courses at BYU Idaho. The second reference is documentation of successful completion of a week-long guide school for Natural Retreats in Swan Valley, Idaho held March 18th - 24th 2012.

Mr. Lawson currently holds three types of licenses in the state of Idaho, a guide license, designated agent and outfitter license.

MOTION: Mr. Shawn McNeely made a motion to approve Christopher Lawson's application. Mr. Shawn John Wilkinson seconded the motion. The motion failed.

MOTION: Mr. Shawn McNeely made a motion to provide a 30-day waiver based on completion of the guide school and his experience instructing the classes. **Discussion:** Board Chairman Lee Kinsey explained to Mr. Lawson that he will be required to attend the Advanced Outfitter & Guide Training as it is required any time the Board waives days of experience. Mr. John Wilkinson seconded the motion. The motion carried.

MOTION: Mr. Lee Kinsey made a motion to approve Christopher Lawson to take the outfitter exam. Mr. Shawn McNeely seconded the motion. The motion failed.

MOTION: Mr. Shawn McNeely made a motion to approve Christopher Lawson once his application is completed to take the outfitter examination. Mr. John Wilkinson seconded the motion. The motion carried.

Christopher Lawson (outfitter license applicant)

follow-up with a report afterward. Board Chairman communicated the importance of having current insurance.

Public land use permits designated to individuals other than the licensed outfitter

Ms. Phippen inquired as to what the Board's position is on outfitters who use permits that are in the name of another entity. For instance, an outfitter applicant who is working for a lodge and the permit is in the name of the lodge. Board Counsel Tyler Moss advised that there does not appear to be an issue as long as the Forest Service has authorized it.

Outfitter renewal project and client log reviews

As part of the reorganization, several renewal projects have been identified as basic pilot projects. There was assistance from business standards division employees in processing outfitter renewals we identified a couple of training issues that have been resolved and have approximately two more weeks before completion.

BUDGET/FINANCIAL**Budget Update**

Discussion under DLI/BSD Administrator Update

Continued discussion on fee proposals (increase to licensing fees and implementation of fees for boat stickers, operation plan applications and amendments, land use forms, 12-month plan of supervision applications, successor requests, experience waiver requests, school curriculum approval, advanced outfitter/guide class fee and statistical reports)

This is a recurring agenda item. No discussion.

NON-ROUTINE LICENSE APPLICATIONS**~~Christopher Lawson~~ (outfitter license applicant)**

~~Mr. Lawson~~ was present (by phone) during the deliberations. Mr. ~~Lawson~~ has applied for a new outfitter license. On his application he affirmed "yes" to the disciplinary question: "Have you been convicted of or forfeited bond on any violation of the fish and game laws or applicable regulations of any state or the United States?" In addition to the above disciplinary the applicant appears to be short 27 days of guiding experience in which to have enough to be accepted to take the written examination Mr. Lawson provided the following information:

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One reference attesting to experience obtained as an assistant in teaching various fly fishing courses at BYU Idaho. The second reference is documentation of successful completion of a week-long guide school for Natural Retreats in Swan Valley, Idaho held March 18th - 24th 2012.

~~Mr. Lawson~~ currently holds three types of licenses in the state of Idaho, a guide license, designated agent and outfitter license.

MOTION: Mr. Shawn McNeely made a motion to approve ~~Christopher Lawson's~~ application. Mr. Shawn John Wilkinson seconded the motion. The motion failed.

MOTION: Mr. Shawn McNeely made a motion to provide a 30-day waiver based on completion of the guide school and his experience instructing the classes. **Discussion:** Board Chairman Lee Kinsey explained to Mr. Lawson that he will be required to attend the Advanced Outfitter & Guide Training as it is required any time the Board waives days of experience. Mr. John Wilkinson seconded the motion. The motion carried.

MOTION: Mr. Lee Kinsey made a motion to approve ~~Christopher Lawson~~ take the outfitter exam. Mr. Shawn McNeely seconded the motion. The motion failed.

MOTION: Mr. Shawn McNeely made a motion to approve ~~Christopher Lawson~~ once his application is completed to take the outfitter examination. Mr. John Wilkinson seconded the motion. The motion carried.

~~Rey Jones~~ (outfitter license applicant)

[REDACTED] was present during the deliberations. [REDACTED] is appearing as a non-routine license application because during the course of reviewing his application it was noted he guided clients while he was not licensed as a guide. When Board staff reviewed [REDACTED] guiding experience, it was discovered that [REDACTED] was listed as a guide in his endorsing outfitter's client records from September 3, 2011 to September 9, 2011. It was verified by staff that [REDACTED] did not renew his 2011 guide license until September 8, 2011. He was guiding without a license from September 3, 2011 to September 8, 2011.

MOTION: Mr. Shawn McNeely made a motion to approve [REDACTED] license application. Mr. John Wilkinson seconded the motion. The motion carried.

[REDACTED] (outfitter license applicant)

[REDACTED] was present during the deliberations. [REDACTED] is appearing before the Board for failure to report a 1997 DUI conviction on his 2010 guide application. When he applied for his outfitter license he reported the 1997 DUI conviction.

MOTION: Mr. Lee Kinsey made a motion to approve the license application for [REDACTED]. Mr. John Wilkinson seconded the motion. The motion carried.

[REDACTED] (successor request under Steve Ellinger)

The Board received a letter from [REDACTED] notifying the Board that her husband, [REDACTED], passed away May 20, 2011 (all lands have been sold and she is working on dissolving the corporation). However, she did not specifically request approval for successorship. The Board tabled discussions until a written request for successorship has been received from [REDACTED].

[REDACTED] (outfitter license applicant)

[REDACTED] was present during the deliberations. [REDACTED] reported the following information on his outfitter application:

[REDACTED] reported in writing that he received a Montana Fish Wildlife Parks citation in 2009 for failure to have a FAS permit for the Madison River. Paid fine of \$135. He did not lose his privileges.

MOTION: Mr. John Wilkinson made a motion to approve the license application for [REDACTED] pending successful completion of the exam. Mr. Shawn McNeely seconded the motion. The motion carried.

[REDACTED] (guide license applicant)

[REDACTED] reported the following information on his guide application:

- (1) [REDACTED] pled guilty on 5/10/2005 to the charges of killing more than one mule deer buck in a license year, in violation of section 87-3-103 MCA; possess an unlawfully killed mule deer buck, in violation of section 87-3-112 (2) MCA; and subscribe to a false statement on a duplicate deer license, in violation of Section 87-2-106 (6) MCA.
- (2) [REDACTED] lost his hunting privileges for 24 months.

MOTION: Mr. John Wilkinson made a motion to approve the license application for Kristofer Meier. Mr. Shawn McNeely seconded the motion. The motion carried.

Agenda Item for August 10, 2012 FB meeting: Board Chairman Lee Kinsey asked to that Board staff place "minor administration violations vs. nonroutine applications" on the August 10, 2012 FB meeting agenda item.

[REDACTED] (guide license applicant)

[REDACTED] application is before the Board for the following:

06/27/2008 – State of Wyoming, Sheridan County - Exceed 65 MPH on primary/secondary forfeit bond \$57

09/11/1997 – Traffic failure to have auto insurance

8/23/1997 (charged) 9/19/1997 (sentenced) – State of Wyoming, Sheridan County - Domestic Violence/Battery - \$270 bond forfeiture, 30-days jail (suspended), 1-year unsupervised probation, enroll in Mountain View Treatment

Facility, abide laws

02/10/1996 (charged) 02/12/1996 (sentenced) – State of Wyoming, Sheridan County - Family Violence/Assault & Battery, deferred, 1-5 years unsupervised probation, evaluation for alcohol abuse, lead law abiding life, participate in counseling men's non-violent group

05/20/1994 – Traffic no valid driver's license

01/03/1994 – Traffic permit unlicensed person to drive

10/01/1993 – Traffic fail to display license plates

08/20/1993 – Traffic car registration required

07/30/1993 – Traffic car registration required

10/19/1989 – Traffic vehicle beam lamps (on coming)

07/14/1990 – Traffic speeding 70 in 55

06/29/1992 – Traffic speeding 71 in 55

Additional Information - Applicant initially failed to report the above violations with his license application. The Board's Executive Director discovered that Mr. [REDACTED] possessed the above misdemeanors and therefore deemed the application non-standard because the applicant was not upfront with disclosure of the misdemeanors.

MOTION: Mr. Lee Kinsey made a motion to approve the license application for [REDACTED]. Mr. John Wilkinson seconded the motion. **Discussion:** The Board, by general consent, would like Staff to send a letter of instruction to read carefully and complete the applications correctly in the future. **The motion carried.**

[REDACTED] (guide license applicant)

[REDACTED] is appearing before the board for the following reason(s):

- (1) On June 27, 2006 [REDACTED] was sentenced to Montana State Prison for a total of 20 years with 15 years suspended for Burglary (2-Counts), Theft and Criminal Mischief, all felonies and on the same date, in a separate court case, Mr. Hertz was sentenced to Montana State Prison for a total of 10 years with five years suspended for Theft and Criminal Endangerment, both felonies.
- (2) [REDACTED] completed his prison term on December 14, 2010 and began serving the suspended portion of these sentences. Is currently serving a 15-year probation.

Supporting documents:

- Judgment docket and Information docket from Missoula District Court- Cause No-DC-06-31
- Judgment docket and Information docket from Missoula District Court Cause-No DC-04-380
- Letter from State Probation and Parole officer Barb Schmitz
- Explanation letter from Mr. Hertz
- Character Reference Letter from Ben Wilson
- Character Reference Letter from Dick and Paula Zimmer
- Character Reference Letter from James Boyes
- Certificates of completion for CPP
- Certificates of completion for Introduction to Center Life
- Certificate of completion for A.D.S.P. Cell Study Program
- Certificate of completion for A.D.S.P. Personal Finance Cell Study Program
- Certificate of completion for New Directions

MOTION: Mr. Lee Kinsey made a motion to grant a guide license to [REDACTED] with a 1-year probation period. Mr. Shawn McNeely seconded the motion. **Discussion:** Board Counsel Tyler Moss advised that any violation of his criminal probation would need to be reported to the Board so they can determine whether he continues to meet licensure qualifications. **The motion carried.**

[REDACTED] (outfitter license applicant)

Facility, abide laws

02/10/1996 (charged) 02/12/1996 (sentenced) – State of Wyoming, Sheridan County - Family Violence/Assault & Battery, deferred, 1-5 years unsupervised probation, evaluation for alcohol abuse, lead law abiding life, participate in counseling men's non-violent group

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06/29/1992 – Traffic speeding 71 in 55

Additional Information - Applicant initially failed to report the above violations with his license application. The Board's Executive Director discovered that Mr. [REDACTED] possessed the above misdemeanors and therefore deemed the application non-standard because the applicant was not upfront with disclosure of the misdemeanors.

MOTION: Mr. Lee Kinsey made a motion to approve the license application for [REDACTED]. Mr. John Wilkinson seconded the motion. **Discussion:** The Board, by general consent, would like Staff to send a letter of instruction to read carefully and complete the applications correctly in the future. The motion carried.

[REDACTED] (guide license applicant)

[REDACTED] is appearing before the board for the following reason(s):

- (1) On June 27, 2006 [REDACTED] was sentenced to Montana State Prison for a total of 20 years with 15 years suspended for Burglary (2-Counts), Theft and Criminal Mischief, all felonies and on the same date, in a separate court case, Mr. Hertz was sentenced to Montana State Prison for a total of 10 years with five years suspended for Theft and Criminal Endangerment, both felonies.
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- Certificate of completion for A.D.S.P. Cell Study Program
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MOTION: Mr. Lee Kinsey made a motion to grant a guide license to [REDACTED] with a 1-year probation period. Mr. Shawn McNeely seconded the motion. **Discussion:** Board Counsel Tyler Moss advised that any violation of his criminal probation would need to be reported to the Board so they can determine whether he continues to meet licensure qualifications. The motion carried.

[REDACTED] (guide license applicant)

MONTANA BOARD OF OUTFITTERS **(2012) HUNTING OUTFITTER CLIENT REPORT LOG**

Outfitter Name: _____ License: _____ Year: _____ Page _____ of _____

Date(s) of Service	Client Name & License Number	Guide Name & Guide License Number	Predominant Species Hunted	All FWP Districts Hunted	USFS, STATE, BLM, CMR OR PRIVATE	All Species Harvested Requiring A Validated License	\$2.00 Fee (Y/N)
	Name:	Guide:					
	Address:	Guide Lic #:					
		Remarks:					
	Client Lic #: (Date of Birth & ALS#)						
	Name:	Guide:					
	Address:	Guide Lic #:					
		Remarks:					
	Client Lic #: (Date of Birth & ALS#)						
	Name:	Guide:					
	Address:	Guide Lic #:					
		Remarks:					
	Client Lic #: (Date of Birth & ALS#)						
	Name:	Guide:					
	Address:	Guide Lic #:					
		Remarks:					
	Client Lic #: (Date of Birth & ALS#)						
	Name:	Guide:					
	Address:	Guide Lic #:					
		Remarks:					
	Client Lic #: (Date of Birth & ALS#)						



2012 HUNTING STATISTICS SHEET -- OUTFITTER USE LEVELS

Name of Outfitter: _____
Date: _____
License # _____

TYPES OF LICENSES SERVED

NONRESIDENT CLIENTS ONLY (Information for resident clients on the back of this form)

How many clients with an outfitter sponsored B-10 license (Big Game or Elk Combo) did you serve?	
How many clients with an outfitter sponsored B-11 license (Deer Combo) did you serve?	

How many clients with an Elk/Deer combination license through the drawing did you serve?	
How many clients with a Deer combination license through the drawing did you serve?	
How many nonresident clients with an antelope license did you serve?	
How many nonresident clients with a bear license did you serve?	
How many nonresident clients with a mountain lion license did you serve?	
How many nonresident clients with a moose license did you serve?	
How many nonresident clients with a bighorn sheep license did you serve?	
How many nonresident clients with a mountain goat license did you serve?	
How many nonresident clients with a bison license did you serve?	

How many nonresident clients with an upland game bird license did you serve?	
How many nonresident clients with a turkey license did you serve?	
How many nonresident clients with a license to hunt waterfowl did you serve?	

HARVEST INFORMATION FOR ALL CLIENTS SERVED

Type of Game	Total # Harvested	Male	Female
--------------	-------------------	------	--------

Elk	_____	_____	_____
Deer	_____	_____	_____
Antelope	_____	_____	_____
Lion	_____	_____	_____
Sheep	_____	_____	_____
Bear	_____	_____	_____
Goat	_____	_____	_____
Moose	_____	_____	_____
Upland Game Birds	_____	_____	_____
Turkey	_____	_____	_____
Waterfowl	_____	_____	_____



2012 HUNTING STATISTICS SHEET -- OUTFITTER USE LEVELS

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License # _____

TYPES OF LICENSES SERVED

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How many nonresident clients with a moose license did you serve? _____

How many nonresident clients with a bighorn sheep license did you serve? _____

How many nonresident clients with a mountain goat license did you serve? _____

How many nonresident clients with a bison license did you serve? _____

How many nonresident clients with an upland game bird license did you serve? _____

How many nonresident clients with a turkey license did you serve? _____

How many nonresident clients with a license to hunt waterfowl did you serve? _____

HARVEST INFORMATION FOR ALL CLIENTS SERVED

Number taken by Gender

<u>Type of Game</u>	<u>Total # Harvested</u>	<u>Male</u>	<u>Female</u>
Elk	_____	_____	_____
Deer	_____	_____	_____
Antelope	_____	_____	_____
Lion	_____	_____	_____
Sheep	_____	_____	_____
Bear	_____	_____	_____
Goat	_____	_____	_____
Moose	_____	_____	_____
Upland Game Birds	_____	_____	_____
Turkey	_____	_____	_____
Waterfowl	_____	_____	_____

RESIDENT CLIENTS ONLY

How many resident hunters with a resident elk license did you serve?	
How many resident hunters with a resident deer license did you serve?	
How many resident clients with an antelope license did you serve?	
How many resident clients with a bear license did you serve?	
How many resident clients with a mountain lion license did you serve?	
How many resident clients with a moose license did you serve?	
How many resident clients with a bighorn sheep license did you serve?	
How many resident clients with a mountain goat license did you serve?	
How many resident clients with a bison license did you serve?	

How many resident clients with an upland game bird license did you serve?	
How many resident clients with a turkey license did you serve?	
How many resident clients with a license to hunt waterfowl did you serve?	

Revised 10-25-2011

L-1 LAND USE APPROVAL FORM

BOARD OF OUTFITTERS
PO BOX 200513
301 S. PARK 4TH FLOOR
HELENA, MT 59620-0513
(406) 841-2373 FAX (406) 841- 2309

Please circle appropriate land type:

PUBLIC

PRIVATE

Name of Agency/Owner of specified land: _____

Address of Agency/Owner: _____

Contact Person: _____

Phone Number: _____ Additional Phone or Fax #: _____

I, _____, public land manager/legal owner of the property/ranch
described above _____, hereby give my permission/approval for
(Name of ranch/land area)

_____ to use property described on this form for hunting/fishing
(Name of Outfitter)
purposes as a licensed outfitter. In addition, it is agreed that the outfitter has liability insurance and is responsible
for the safeguarding of the guide and clients while utilizing this property. The duration of this authorization is from
_____ and will terminate on _____.

Print Outfitter Name

Outfitter Signature

Date

Print Authorizing Agency/Owner Name

Authorizing Signature

Date

You must provide on the back of this form, a full legal description of the lands, by identifying the Township, Range, and Section(s) of the area(s) used for your land based outfitting operations. If this land use involves a camp/lodging facility provide the physical location (Township/Range/Section) of the facility on the back of this form. (Note: Section 37-47-318, MCA, requires outfitters who operate hunting camps in more than one Department of Fish, Wildlife and Parks administrative region to pay an annual fee of \$5,000 for each camp that is located beyond a 100-mile radius of the outfitter's base of operations and that is in an administrative region other than the region containing the outfitter's base of operations).

REV. 09/2005

L-1 LAND USE APPROVAL FORM

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PO BOX 200513
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HELENA, MT 59620-0513
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Name of Agency/Owner of specified land: _____

Address of Agency/Owner: _____

Contact Person: _____

Phone Number: _____ Additional Phone or Fax #: _____

I, _____, public land manager/legal owner of the property/ranch
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_____ to use property described on this form for hunting/fishing
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_____ and will terminate on _____.

Print Outfitter Name

Outfitter Signature

Date

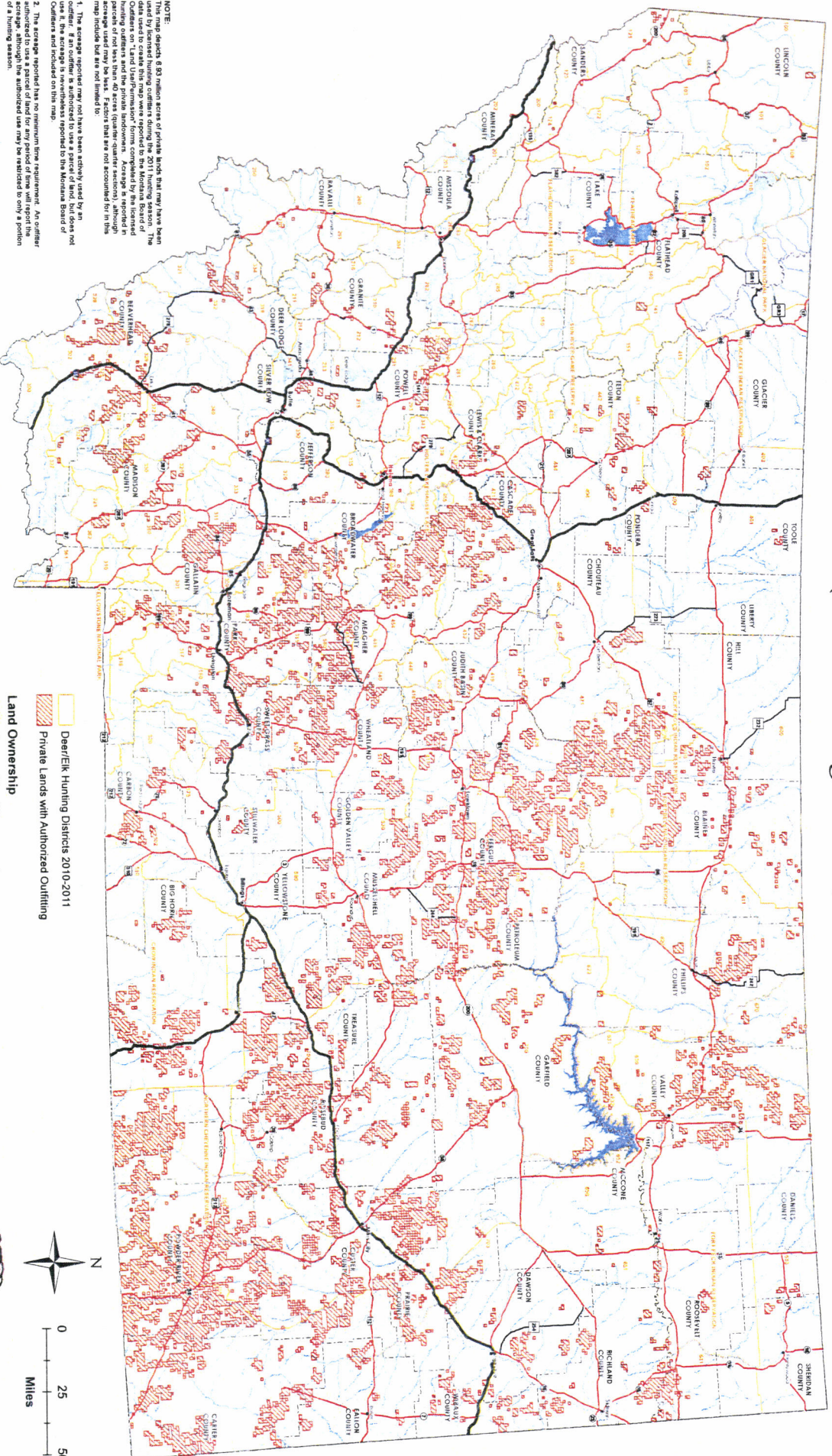
Print Authorizing Agency/Owner Name

Authorizing Signature

Date

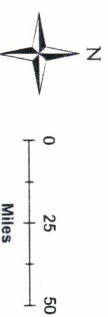
You must provide on the back of this form, a full legal description of the lands, by identifying the Township, Range, and Section(s) of the area(s) used for your land based outfitting operations. If this land use involves a camp/lodging facility provide the physical location (Township/Range/Section) of the facility on the back of this form. (Note: Section 37-47-318, MCA, requires outfitters who operate hunting camps in more than one Department of Fish, Wildlife and Parks administrative region to pay an annual fee of \$5,000 for each camp that is located beyond a 100-mile radius of the outfitter's base of operations and that is in an administrative region other than the region containing the outfitter's base of operations).

Private Lands Where Landowners Authorize Licensed Hunting Outfitters to Operate (2011 Hunting Season)



Land Ownership

- Deer/EK Hunting Districts 2010-2011
- Private Lands with Authorized Outfitting
- Bureau of Land Management
- Other Federal
- U.S. Forest Service
- State
- Tribal
- Plum Creek Timber Company
- Private; Other



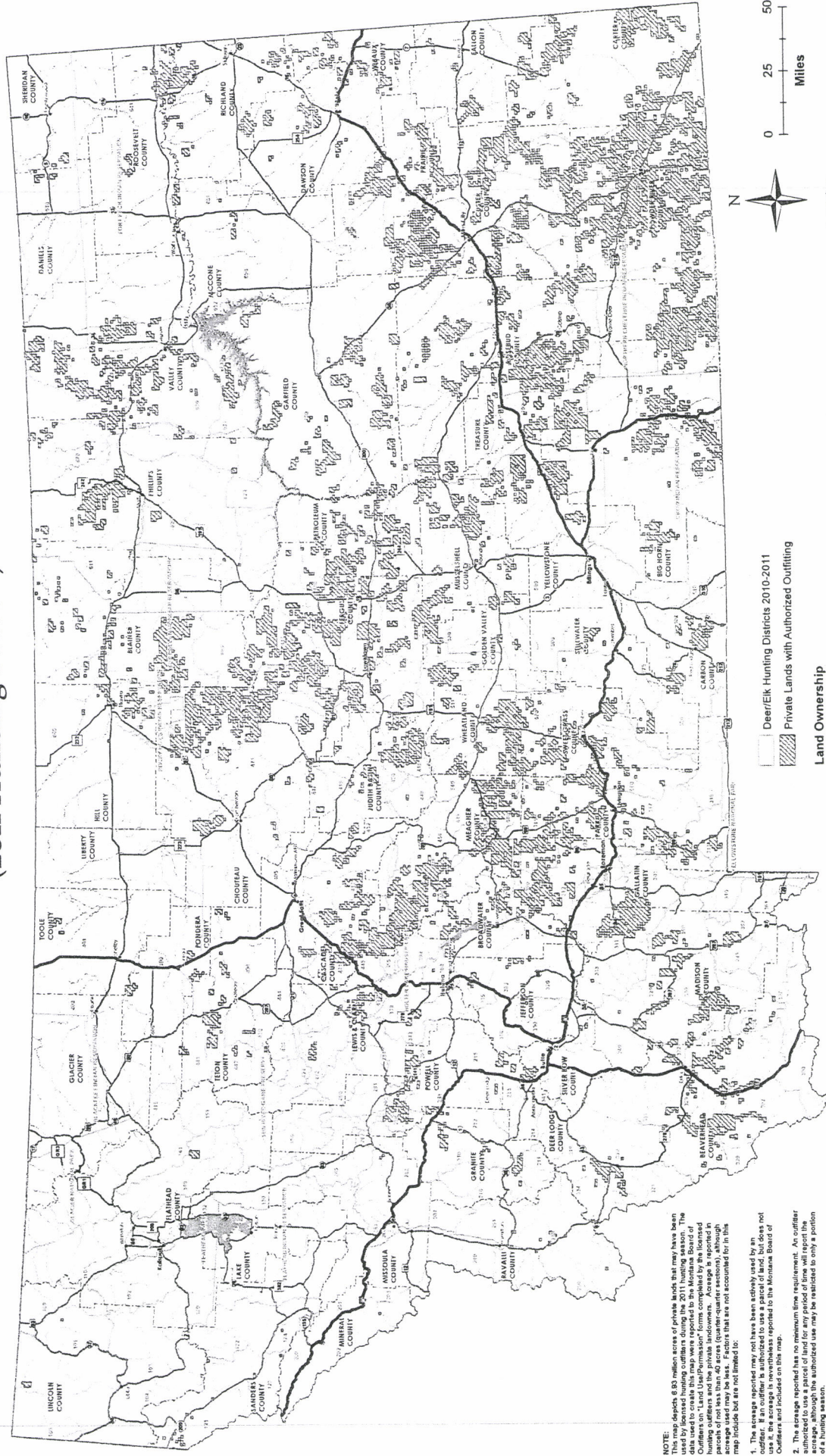
NOTE:
This map depicts 6.93 million acres of private lands that may have been used by licensed hunting outfitters during the 2011 hunting season. The map is based on data provided by landowners who have authorized the use of their land for hunting. The map is not a guarantee of land availability for hunting. The map is intended to provide a general overview of the state of Montana and the availability of private lands for hunting. The map is not a guarantee of land availability for hunting. The map is intended to provide a general overview of the state of Montana and the availability of private lands for hunting.

1. The acreage reported may not have been actively used by an outfitter. If an outfitter is authorized to use a piece of land but does not use it, the acreage is nevertheless reported to the Montana Board of Outfitters and included on this map.
2. The acreage reported has no minimum time requirement. An outfitter authorized to use a piece of land for any period of time will report the acreage. An outfitter authorized to use a piece of land for only a portion of a hunting season.
3. The acreage reported has no minimum acreage required by the type of hunting. An outfitter is authorized to hunt any type of game animal on a piece of land. An outfitter is authorized to hunt any type of game animal on a piece of land. An outfitter is authorized to hunt any type of game animal on a piece of land.
4. Outfitter use of private land is not necessarily exclusive. An outfitter authorized to use a piece of land is not necessarily exclusive. An outfitter authorized to use a piece of land is not necessarily exclusive. An outfitter authorized to use a piece of land is not necessarily exclusive.

The production of this map is a cooperative effort between the Montana Board of Outfitters and the Department of Fish, Wildlife, and Parks. The Montana Board of Outfitters is a non-profit organization that represents the interests of licensed hunting outfitters in Montana.

Map produced by:
Montana Fish, Wildlife & Parks
1200 East 9th Ave.
Helena, MT 59601
Phone: 406/444-2000
Fax: 406/444-2001
Website: www.mt.gov/fishwildlife

Private Lands Where Landowners Authorize Licensed Hunting Outfitters to Operate (2011 Hunting Season)



Land Ownership

Bureau of Land Management
Other Federal
U.S. Forest Service
State
Tribal
Plum Creek Timber Company
Private, Other

Deer/Elk Hunting Districts 2010-2011

Private Lands with Authorized Outfitting

NOTE: This map depicts 6.93 million acres of private lands that may have been authorized for hunting by landowners. The data used to create this map were reported to the Montana Board of Outfitters on "Land Use/Permission" forms completed by the licensed hunting outfitters and the private landowners. Acreage is reported in 10-acre increments. The acreage used may be less. Factors that are not accounted for in this map include but are not limited to:

1. The acreage reported may not have been actively used by an outfitter. If an outfitter is authorized to use a parcel of land, but does not use it, the acreage is nevertheless reported to the Montana Board of Outfitters and included on this map.
2. The acreage reported has no minimum time requirement. An outfitter authorized to use a parcel of land for any period of time is reported as authorized. The acreage reported is based on the entire parcel of land, not just the portion of a hunting season.
3. The acreage reported has no minimum with respect to the type of game the outfitter is authorized to pursue. An outfitter authorized to use a parcel of land to hunt any game animal will report the acreage. Although the outfitter's use may be restricted to certain types of game, the acreage reported is based on the entire parcel of land, not just the portion of a hunting season.
4. Outfitter use of private land is not necessarily exclusive. An outfitter may be authorized to use a parcel of land, but the landowner may also pursue the same or other types of game animals during the same period of time.

The production of this map is a cooperative effort between the Montana Board of Outfitters and the Department of Fish, Wildlife, and Parks. The map is not to be used for any purpose not intended by the Montana Board of Outfitters in Helena.



Map produced by:
Department of Fish, Wildlife & Parks
Data Services Section
1400 East 17th Ave.
Helena, MT 59612
Public land ownership counties: (data) Open from the Natural Resource Information System, Montana State Library - Helena, MT
Copyright: Department of Fish, Wildlife & Parks - Helena, MT
Wildlife: Department of Fish, Wildlife & Parks - Helena, MT
March 12, 2012 EDO